

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTON

FERA APPEAL NO.36 OF 2007
WITH
CIVIL APPLICATION NO.2898 OF 2007

Rajnikant C. Mehta .. Appellant.

Versus

Union of India & others .. Respondents.

Mr.L.S. Shetty with MrA.M. Sethna for the appellant.

Mr.R.V. Desai, sr. counsel with Mr.A.S. Rao for the respondent.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 21ST SEPTEMBER, 2007.

P.C. :

1. As the appellant failed to deposit the amount as directed in order that the appeal be heard, the learned Tribunal dismissed the appeal only on the ground that the appellant had not complied with the order of predeposit. This is an appeal against the said order. In our opinion, it will not be possible to go into the questions as raised in the present appeal considering that the appeal was dismissed solely on the ground of failure on the part of the appellant to deposit the amount as directed by the Tribunal. Consequently, the appeal as filed would not be maintainable and is dismissed.

2. We make it clear that dismissal of appeal will not stand in the way of the appellant if he has any other remedy available in law to pursue the same.

3. With these observations, the appeal and the civil application stands dismissed.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)